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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,532

12/19/2003

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65575 7590 01/21/2009  
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EXAMINER

VU, THANH T

ART UNIT

PAPER NUMBER

2175

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/707,532	GOOD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	THANH T. VU	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-21, 23-34 and 36-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-21, 23-34 and 36-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

This communication is responsive to Amendment, filed 08/21/2008.

Claims 1-8, 10-21, 23-34, and 36-39 are pending in this application. In the Amendment, claims 1, 9, 22, 35 and 40 were cancelled. This action is made Final.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 6-8, 10-11, 13-17, 19-21, 23-24, 26-30, 32-34, 36-37, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson et al. ("Robertson", U.S. Pat. No. 6,968,511) and Hocker et al. ("Hocker", U.S. Pat. No. 5,801,699).

Per claim 1, Robertson teaches a method for enhancing recognizability of objects/groups in a workspace, comprising:

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determining whether a first object/group is moved to a location within a predetermined distance of a second object/group ( fig. 25 and col. 5, lines 23-33; *determining a moving object is within predetermined distance from a cluster*); and

assigning a display cue of the second object/group to the first object/group upon placement of the first object/group in the workspace, whereby the first object/group and the second object/group form a group (col. 5, lines 41-45, col. 8, lines 4-11, and col. 9, lines 40-50; *shows changes in cluster association or membership when an object is moved to a new cluster*). Robertson does not specifically teach the predetermined distance is at least one of a distance from the closest object in the second object/group, a distance from the weighted center of the second object/group, and a distance from the boundary of the second object/group. However, Hocker teaches the predetermined distance is at least one of a distance from the closest object in the second object/group, a distance from the weighted center of the second object/group, and a distance from the boundary of the second object/group (col. 3, lines 33-47 and col. 4, lines 57-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Hocker in the invention of Robertson in order to provide system and method for managing, manipulating, organizing, and classifying of displayed objects.

Per claim 2, Robertson teaches the method of claim 1, wherein the objects/groups are free-format (col. 5, lines 41-45, col. 8, lines 4-11, and col. 9, lines 40-50; *the examiner considers an object in Robertson is free-format is because the user can freely change the format of the object's cluster association or membership when the object is moved to a new cluster*).

Per claim 3, Robertson teaches the method of claim 1, wherein the display cue includes at least one of group-specific background color for objects/groups, group-specific color for text of

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objects/groups, group-specific color for bounding lines for objects/groups, colored halos or containers for objects/groups, colored regions surrounding objects/groups, line pattern boundaries for objects/groups, unique halftone or gray-shade boundaries for objects/groups, common font for text of objects/groups, and title bars (col. 8, lines 3-20, col. 14, lines 34-44, and col. 15, lines 7-10; *show group specific background color when a cluster is selected. In addition, a cluster has a common banner and label*).

Per claim 4, Robertson teaches the method of claim 1, further comprising temporarily assigning the display cue of the second object/group to the first object/group when the first object/group is moved to a location within the predetermined distance of the second object/group (fig. 15; col. 17, lines 40-46 and lines 52-58; *as the object 350 is moved to a new cluster it banner is updated to reflect the change in association. The change in association can be temporarily because the user has the option to move the object back to its original cluster.*)

Per claim 6, Robertson teaches the method of claim 1, further comprising when the first object/group is determined not to be within the predetermined distance of the second object/group, identifying the first object/group as unassigned (fig. 25; col. 25, lines 3-8; *step 950 determined if an object is within a predetermined distance of a cluster. When the determination is a NO, and the object is not a member of any cluster, the object is identified as unassigned i.e. no membership association*).

Per claim 7, Robertson teaches the method of claim 1, wherein the first object/group is a new object (col. 5, lines 41-45, and col. 14, lines 34-37; *when an object is move to a new cluster, the object is considered as a new object being introduced in the cluster.*)

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Per claim 8, Robertson teaches the method of claim 1, wherein the first object/group is an existing object/group being moved from another location in the workspace (fig. 15, col. 17, lines 36-38; *object 350 is move from cluster 312 to cluster 310*).

Per claim 10, Robertson teaches the method of claim 1, further comprising providing a boundary of the second object/group when the first object/group is within the predetermined distance (fig. 27, step 1120, and col. 26, line 64- col. 17, line 6; *determining whether an object is within a boundary of another object*).

Per claim 11, Robertson teaches the method of claim 10, wherein the boundary is at least one of rectangular, circular and polygonal (fig. 8 *shows object 402 and object 404 with rectangular borders*).

Per claim 13, Robertson teaches the method of claim 1, further comprising: providing an option not to assign the display cue to the first object/group and maintaining an original assignment of a display cue of the first object/group (fig. 15; col. 17, lines 40-46 and lines 52-58; *shows as the object 350 is moved to a new cluster it banner is updated to reflect the change in association. The user has the option to move the object back to its original cluster. Thus, this would maintain the original display cue of the object.*)

Claims 14-17 are rejected under the same rationale as claims 1-4 respectively.

Claims 19-21, 23-24 and 26 are rejected under the same rationale as claims 6-8, 10-11, and 13 respectively.

Claims 27-30 are rejected under the same rationale as claims 1-4 respectively.

Claims 32-34, 36-37 and 39 are rejected under the same rationale as claims 6-8, 10-11, and 13 respectively.

Claims 5, 12, 18, 25, 31, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson, Hocker and Andrew et al. ("Andrew", U.S. Pat. No. 5,371,844).

Per claim 5, the modified Robertson teaches the method of claim 1, comprising: the GUI automatically assigns display cue (color-code banner) to a group (cluster), see col. 6, lines 53-56, and col. 8, lines 3-10. Robertson does not specifically teach determining whether the second object/group has an assigned display cue and when the second object/group is determined not to have an assigned display cue, assigning another display cue that is different from a display cue of neighboring objects/groups. However, Andrew teaches determine whether the second object/group has an assigned display cue and when the second object/group is determined not to have an assigned display cue, assigning another display cue that is different from a display cue of neighboring objects/groups (*in Andrew's reference, a user can determine whether an object/group has an assigned display cue (i.e. color assigned to an object/group by the user). If the user determines that the user has not assigned a particular color to an object/group, the user can assign a color to the object/group display cue that is different from its neighboring objects/groups, see fig. 5a-5b, col. 8, lines 15-26*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the method that allows the user to assigned a different color to object/group as taught by Andrew in the invention of the modified Robertson in order to provide the user with a user interface that the user can quickly and easily modify a color of an object or component to user's liking.

Claim 18 is rejected under the same rationale as claim 5.

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Claim 31 is rejected under the same rationale as claim 5.

Per claim 12, the modified Robertson teaches the method of claim 1, comprising assigning a new display cue to the first object/group upon placement of the first object/group at the location, whereby the first object/group and the second object/group form a new group (col. 14, lines 34-37; *new object is assigned new color coded banner when move to a new cluster*). Robertson does not specifically teach assigning a new display cue to first object/group and the second object/group. However, Andrew teaches a new display cue to first object/group and the second object/group (*in Andrew, a user can assigned different colors component of a graphical user interface, see fig. 51 and 5b, col. 8, lines 15-26*). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the method that allows the user to assigned a different color to object/group as taught by Andrew in the invention of the modified Robertson in order to provide the user with a user interface that the user can quickly and easily modify a color of an object or component to user's liking.

Claim 25 is rejected under the same rationale as claim 12.

Claim 38 is rejected under the same rationale as claim 12.

### ***Response to Arguments***

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

Applicant's primary argument is that " it would not have been obvious to one of ordinary skill in the art to have modified Robertson in the manner suggested based on the teaching of Hocker". The examiner does not agree for the following reasons:



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In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination of Robertson and Hocker is obvious to one of ordinary skilled in the art because this would provide a method for managing, manipulating, organizing, and classifying of displayed objects based on a nearest distance from an object to a cluster (col. 1, lines 59-61).

In addition the applicant points out that "modifying Robertson by Hocker would have rendered Robertson unsatisfactory for its intended purpose". The examiner does not agree because the combination of Robertson and Hocker would have rendered Robertson satisfactory for its intended purpose such as creating and managing clusters of objects.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### *Inquiries*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH T. VU whose telephone number is (571)272-4073. The examiner can normally be reached on Mon- Fri 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh T. Vu/  
Primary Examiner, Art Unit 2175

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